MONTANA LEGISLATIVE HISTORY

Chapter 226 1977

Bill H 196 S _____ Original bill & history ____C

H. Committee on Rules

Hearing Date(s) _____ ____C

_____ ____C

No _____ ____C

Minutes _____ ____C

were located _____ ____C

Date Out

S. Committee on Business & Indust.,

Hearing Date(s) March ✓C

_____ ____C

_____ ____C

_____ ____C

March ✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

H BILL NO. 196

INTRODUCED BY FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE INSPECTION AND PERMITTING SYSTEM FOR ENFORCEMENT OF THE STATE PLUMBING CODE; AMENDING SECTION 66-2404; REPEALING SECTION 66-2427, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 66-2404, R.C.M. 1947, is amended to read as follows:

"66-2404. Application for license -- information required -- individual -- firms or corporations. (1) A person, firm, or corporation desiring to engage in or work in the field of plumbing, either as a master plumber or as a journeyman plumber, in this state, shall make application to the department by filing a written application stating his place of residence, age, experience, and the place where he has acquired his experience, and shall at a time and place designated by the board be examined as to his qualifications for a license. In the case of a firm or corporation, the examination and issuance of a license to an individual of the firm, or to a principal of the firm or corporation, satisfies the requirements of this act as to master plumbers, but not as to journeymen plumbers. No individual, firm, or corporation may do the work of a master plumber unless licensed under this act.

(2) A master plumber ~~shall~~ may not allow his license to be used by any person, ~~or~~ firm, corporation, or business other than his own, ~~for the purpose of obtaining permits, or~~ for doing plumbing work under his license."

Section 2. Repealer. Section 66-2427, R.C.M. 1947, is repealed.

Section 3. Effective date. This act is effective on its passage and approval.

-End-

Josephine Driscoll, Insurance Department, State of Montana, stated she agreed with Mr. Clarke's testimony.

After some discussion the hearing on House Bill 171 was closed.

Senator Goodover made a motion that we adopt the amendment proposed by Mr. Clarke. Senator Regan made a substitute motion that we wait for executive action before taking any action.

CONSIDERATION OF HOUSE BILL 196. "An Act To Create Certain Exemptions To The Inspection And Permitting System For Enforcement Of The State Plumbing Code."

Representative Harrison Fagg, District #63 stated he was chief sponsor of this bill. Under present law, the State Plumbing Board charges inspection fees in cities where city plumbing inspectors do the inspection. This causes two problems. (1) There is a hassle as to the interpretation of the codes and (2) the cost of dual inspection. His bill would delete the state fee when the city handles the inspection.

PROPONENTS:

Don Kerns, City Manager's Office in Helena. He stated he supports HB 196. It is his feeling that the duplication of inspection fees is an unnecessary burden on the consumer which is the homemaker.

Glen Drake, representing League of Cities and Towns, stated the League fully supports this bill.

OPPONENTS:

Arthur W. Clarkson, representing Board of Plumbers, stated he opposed the bill. His testimony is attached. (Exhibit #3)

Walt Tynes, Jr., Great Falls, representing the Plumbing Board stated he opposed the bill. He thinks the State Plumbing Board would lose 90% of its revenue.

David Emerson representing Montana State Plumbing Board stated he has some statements that are of public record which are from the Great Falls Tribune dated August 7, 1976. He read these articles. They are attached. (Exhibit #4) He thinks if this bill passes the public health and safety of the people will be jeopardized. The cities do not now provide for final inspections.

Roy Prussing, Billings, Montana, representing Board of Plumbers stated he opposed this bill. His testimony is attached. (Exhibit #5)

Joseph Martin, Great Falls, representing Montana licensed journeymen stated he opposed House Bill 196. He stated this bill would take away the funds of the State Plumbing Board, by deleting the permits within a city limits. There would not be any funds to hire State Plumbing inspectors to assure the public of a proper installation of plumbing and would not protect anyone

plumbing installed are helping to support proper plumbing inspections, but the cities also support many other service in the counties by paying for services outside of the city limits through the county tax. There is no way that we can separate ourselves in the city limits from the county or the state. If the state would supply the funds for inspectors, out of the general fund, there would not be a need to charge the city residents a dual permit fee. The plumbing industry is attempting to be self supporting without the funds from the general fund.

Elmer Lazure, Board of Plumbers stated he opposed this bill. His testimony is attached. (Exhibit #6)

Representative Fagg gave to the secretary an "Application for Permit To Do Plumbing Work" which he would like put in the record (Exhibit #7)

After some discussion the hearing was closed on HB 196.

CONSIDERATION OF HOUSE BILL 476. "An Act To Require Insureds Transacting Professional Liability Insurance To Include In Their Annual Statement To The Insurance Commissioner Certain Statistics And Information."

Jerome T. Loendorf representing Montana Medical Association stated this bill was one of a number of bills relating to the medical malpractice problem. As you know, there has been increases in the medical malpractice premiums. He thinks this bill will be helpful.

There were no opponents to the bill.

Senator Regan asked Mr. Loendorf how much money actually does arrive to the insured party? Mr. Loendorf stated studies indicate 16-20 cents on a dollar. He stated 10 cents of the premium dollar would go to plaintiff attorneys.

The following amendments were drawn up by Roger Tippy at the request of Senator Regan:

1. Amend page 3, section 3, lines 14 and 15.
Following: "appropriate"
Strike: "board within the department of professional and occupati
Insert: "authority"

2. Amend page 3, section 3, line 17.
Following: "particular"
Strike: "board"
Insert: "profession or facility"

3. Amend page 3.
Following: line 17.
Insert: "Section 4. Codification. Sections 1 through 3 of this act shall be codified in Chapter 28, Title 40, as sections of the

Senator Goodover asked how does this bill relate with the bill introduced by Senator Dunkle. Mr. Loendorf stated there was no relation between them.

Hearing closed on House Bill 476.

CONSIDERATION OF HOUSE BILL 337. "An Act To Eliminate The Floating Tavern License."

Representative Tom Conroy, District #58, stated he was chief sponsor of this bill. He stated this was a simple bill.

PROPONENTS:

Curt Lees, Yellowstone County Tavern Association, stated he supported HB 337. His testimony is attached. (Exhibit #8)

Bob Durkee, Montana Tavern Association, stated he supported this bill.

H. B. Landoe, Attorney from Bozeman, representing a number of lounges stated he supported the bill.

Robert Blair, past President of Montana Tavern Association stated he supported this bill.

Dave Reichert, Billings, stated he supports this bill 100% and he doesn't think they need any new licenses at this time.

Ken Driver, Billings, stated he doesn't feel they need any additional licenses. He supported this bill.

John Esselton, Billings, he feels they have a sufficient number of licenses. He feels putting in more licenses would only cause problems.

Curt Lees stated that Jerry Dunbar and Sheriff Boetcher who couldn't attend the meeting wanted to go on record stating they supported this bill.

Representative Tom Conroy closed. Hearing closed on HB 337.

DISPOSITION OF HOUSE BILL 171.

Senator Regan made a motion that Roger amend the bill so that they cannot charge two fees and paying particular attention not to take out 40-3346.

DISPOSITION OF HOUSE BILL 196.

Roger Tippy submitted two amendments which are as follows:

1. Amend title, page 1, lines 7 and 8.
Following: "1947"
Strike: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

SENATE COMMITTEE Business & Industry

Date _____ House Bill No. 196 Time _____

NAME	YES	NO
Pat Regan, Vice Chairman	✓	
Allen Kolstad	✓	
Pat Goodover		✓
Bill Lowe	✓	
Jack Devine	✓	
Sandy Mehrens		✓
Bob Peterson		✓
Frank Hazelbaker, Chairman	✓	

Secretary _____ Chairman _____

Motion: Do Concurred As Amended

(include enough information on motion--put with yellow copy of committee report.)

Exhibit #

NAME Arthur W. Clarkson BILL NO. HB 196

ADDRESS Helena, MT DATE 3/3/77

WHOM DO YOU REPRESENT BOARD OF PLUMBERS

SUPPORT ____ OPPOSE XX AMEND ____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I, Arthur W. Clarkson, Chairman of the Board of Plumbers, speak in opposition to HB 196 for the following reasons:

1) A state plumbing code must have adequate inspection to insure protection of the health of the people. Faulty plumbing can cause contamination of a whole water system and may cause severe illness.
2) Inspections of plumbing installation have increased since the Board has contracted with 10 local and 1 state-wide inspectors to assist the state in its enforcement of the code.
3) The permit fees are the primary source of revenue for the board to carry on the inspections necessary to insure compliance with the State Plumbing Code.
4) Cities and towns with public water and sewer systems were invited to negotiate contracts with the State to help police the plumbing industry by making plumbing inspections within their jurisdictive limits, thereby eliminating joint inspection. Several refused to enter into an agreement because the State Law exempted homeowners from the code whereas the city ordinanaces required inspection of all plumbing.
5) At the present time, only practicing plumbers are required to take out a permit. In a way, this may be discriminatory, but the plumbers themselves suggested the permit and fee system as the best means of controlling the industry and enforcement of the code. It was the support of the master and journeyman plumbers that helped enact Senate Bill 265 in the last session of the legislature.
6) If the permit fees and inspection requirements are elminated from municipalities and counties with plumbing codes, it may open the way for violation of the code and jeopardize the health and welfare of the people in Montana, because state inspectors will not be making check inspections to insure that local compliance with the code is adequate.
7) The Board receives a number of requests from persons, who have had plumbing done, for inspections to determine if the work is in compliance with the code. Spot check inspections have revealed violations of the code even after local inspectors have been on the site.

   A case in point; A new building in Billings designed by the author of this bill was found in violation of the code by installation of plastic in a structure over 2 stories in height. This structure was approved by the Billings local inspector and the violation was found during a check inspection by the state inspector. Most local inspections are for rough-in plumbing only and the installation of the household fixtures and the completed job is seldom given a final inspection.

Exhibit # 4

NAME David Emerson BILL No. 176

ADDRESS 317 2nd Ave NW DATE 3/3/77

WHOM DO YOU REPRESENT Montana State Plumbing Board

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

See attached News Paper Clippings

Exhibit #1

NAME Roy Prussing BILL No. HB 196

ADDRESS Billings, MT DATE 3/3/77

WHOM DO YOU REPRESENT Board of Plumbers

SUPPORT _____ OPPOSE XX AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- I wish to take this opportunity to express my objection to House Bill 196, based upon the following:

  A. Objections have been made to the present state permit system on the basis that this constitutes a double inspection and that the owner is being charged twice for the same service.
     (1) This is not the case due to the fact that in those cities and counties that have local inspections a 50% credit is given by the state plumbing board for the state permit in recognition of the local permit or fixture fee, thus the state plumbing permit becomes supplemental to the local permit or fixture fee.
  B. A study conducted by the state Plumbing Board reveals that of the 58 cities and towns having a population of 1000 people or larger only 14 have arrangements for local plumbing inspection.
  C. Statements have also been made to the effect that the State plumbing permits that are issued, no follow-up inspections are made by the State Plumbing Inspectors or his deputies.
     (1) This is not a true statement as it is the policy of the State Plumbing Board to have the projects inspected that have been issued state plumbing permits.
  D. Spot checks are also made by the state inspectors as a quality control of the work performed by the local inspectors.

Exhibit #

NAME Elmer Lagure BILL NO. 196

ADDRESS 4477 Hart Lane DATE 3/2/77

WHOM DO YOU REPRESENT Board of Plumbers

SUPPORT OPPOSE XX AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I oppose this bill as amended. It sets no local basic minumum code requirements, for the municipalities to enforce.

This bill does not mention the plumbing code, it mentions only the building code, and the plumbing code is not part of the building code. Therefore it would make the plumbing code impossible to enforce.

This bill makes no mention of plumbing inspections but says plumbing inspection procedures only.

In 1975 the state legislature passed into law the plumbing permit system, because there is a definite need for public protection. It seems that a professional person and legislator had been caught violating the state plumbing code. It now seems that he is out to abolish this plumbing law.

I have made several inquiries on plumbing permits and plumbing inspections around the state.At the present time, we have 14 cities issuing pluming permits and making inspection. We also have 44 cities that depend soley on the state plumbing board for inspections.

The state plumbing board has on many occasions been asked to aid in inspections of plumbing to determine if there are code violations. One suit was in the town of Dillon. This lady was being sued by her contractor. The plumbing here had many code violations which was settled out of court with a settlement of more than $11,000 in her favor.

Another suit was filed in Bozeman against a plumber, and again there were several violations. This suit was also settled out of court.

Since this permit system has been in effect we have found that 5 out of 6 permits taken need some type of changes due to code violations.

With these types of violations that exist I am asking you not to support this bill.

City Permit No. .....
Building Permit No. .....
Sec. .....
Blk. .....
Lots .....

MONTANA

Building Department

STATE PLUMBING PERMIT NO. .....
§ 1976 UPC

APPLICATION FOR PERMIT TO DO PLUMBING WORK

I hereby make application for a permit to do plumbing work in accordance with Title 66, Chapter 24, Section 66-2427 R.C.M. 1947 of the State of Montana in a building as hereinafter described.

DISHWASHER 1
DISPOSAL 1
BATH = 3
½ BATH = 2
(2 H. B. - 2

Date ....., 19..

Owner ..... Owner's Address .....

Master Plumber ..... Business Name ..... Address ..... Lic. No. .....

Physical Location of Premises .....

SCHEDULE OF FEES	Each	Number	Total
For issuing each permit	@$5.00		5.00
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor)	@ 2.00		18.00
Water Service — domestic or commercial	@ 2.00		2.00
For each building sewer and each trailer park sewer	@ 5.00		5.00
Storm drains and storm drainage	@ 2.00		
For each water heater	@ 2.00		2.00
For each gas piping system of one (1) to (4) outlets	@ 2.00		2.00
For each gas piping system of five (5) or more per outlet	@ 0.50		
For each industrial water pre-treatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps	@ 3.00		
For installation, alteration or repair of water piping and/or water treatment equipment	@ 2.00		
For repair or alteration of drainage or vent piping	@ 2.00		
For each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefor	@ 2.00		2.00
For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping — one (1) to four (4)	@ 2.00		
Five or more each	@ 0.50		
TOTAL PERMIT FEE			37.00

LIST OF PLUMBING FIXTURES

Bath Tub		Coffee Maker	
Lavatory		Drinking Fount.	
Shower		Dental Lav.	
Urinal		Floor Drain	
Water Closet		Area Drain	
Kitchen Sink		Roof Drain	
Service Sink		Refrig. Drain	
Wash Tray		Bar Sink	
Dishwasher		Floor Sink	
Auto. Washer		Dental Chair	
Car Wash Sump		Glass Washer	
Ice Machine		Aspirator	
Glass Fill St.		X-Ray Tank	
Swimming Pool		Fountain Drain	
		Other	

TYPE OF BUILDING OCCUPANCY

Single Family		Factory Bldg.	
Multiple Family		Warehouse Bldg.	
Cabin		New	
Accessory Bldg.		Alterations	
Public Bldg.		Addition	

NAME: Mitchell Mihajlovich DATE: 3-3-77

ADDRESS: 1900 ELM - BUTTE

PHONE: 792-1944

REPRESENTING WHOM? Mont State Plumbers

APPEARING ON WHICH PROPOSAL: HB 196

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Our Association believes that this Bill if passed would not enable the P'b'g Board To have sufficent Revenue To employ inspectors To protect the Public From improper plumbing installations

NAME: Joseph J. Martin DATE: March 3, 1977

ADDRESS: 2421- 6th Ave. North - Great Falls, Mont.

PHONE: 452-1973

REPRESENTING WHOM? Montana licensed Journeyman

APPEARING ON WHICH PROPOSAL: H. B. 196

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: This Bill would take away the fund of the State Plumbing Board, by deleating the permits within a City limits. There would not be any funds to hire State Plumbing Inspectors to assure the public of a proper installation of plumbing and would not protect anyone outside the City limits. It may be true that the people having plumbing installed are helping to support proper plumbing inspections, but the cities also support many other service in the County by paying for services outside of the City limits through the county tax. There is no

STANDING COMMITTEE REPORT

March 4 19 77

MR. President

We, your committee on Business and Industry

having had under consideration HOUSE Bill No. 196

Respectfully report as follows: That HOUSE Bill No. 196

third reading bill be amended as follows:

1. Amend title, lines 7 and 8.
Following: "1947"
Strike: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Amend page 5, section 2, lines 13 and 14.
Following: Line 12.
Strike: Section 2 in its entirety.

AND AS SO AMENDED, BE CONCURRED IN

BE PASS

Chairman

HOUSE BILL NO. 196

INTRODUCED BY FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ABOLISH~~ CREATE CERTAIN EXEMPTIONS TO THE INSPECTION AND PERMITTING SYSTEM FOR ENFORCEMENT OF THE STATE PLUMBING CODE; AMENDING SECTION ~~66-2404, REPEALING SECTION~~ 66-2427, R.C.M. 1947, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer To Introduced Bill

(Strike everything after the enacting clause and insert:)

Section 1. Section 66-2427, R.C.M. 1947, is amended to read as follows:

"66-2427. Permit fee -- payment -- penalties. (1) It is unlawful for any person to engage in the business, trade, or work having to do with the installation, removal, alteration, or repair of plumbing and drainage systems or parts thereof without first obtaining a permit from the board of plumbers.

A separate permit shall be obtained for each building or structure.

No person may allow any other person to do or cause to be done any work under a permit secured by the permittee except persons in his employ.

FINAL PRINTING
Governor's amend. dated 3-21-91 included

(2) No permit is required for any minor replacement or repair work, the performance of which does not have a significant potential for creating a condition hazardous to public health and safety. No permit is required where the installation is exempt under the provisions of section 66-2426 or 66-2401. No STATE permit is required whenever the installation occurs in an area governed by a municipality and where there is in effect a municipal building code which covers plumbing installations and which provides inspection procedures. ~~No permit is required whenever the installation occurs within a county where the county governing body has hired local inspectors to enforce the state plumbing code.~~ Nothing contained in this act shall prohibit the owner of residential property from making an installation for all sanitary plumbing and potable water supply piping without a permit providing he does the work himself. The provisions of this act do not apply to regularly employed maintenance personnel doing maintenance work on the business premises of their employer unless work is subject to the permit provisions of this act.

(3) Persons required by this section to apply for a permit shall make application on forms provided by the board or authorized representative. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in

connection therewith. The board of plumbers or its authorized representative may require sketches, specifications or drawings and such other information it deems necessary in order to determine the scope of the work contemplated.

If the board determines that the sketches, specifications, drawings, descriptions and information furnished by the applicant are in compliance with the state plumbing code, it shall issue the permit applied for upon payment of the required fee as established by the board.

(4) Any person who commences any work for which a permit is required without first obtaining a permit shall, if subsequently permitted to obtain a permit, pay double the permit fee for the work, except that this provision does not apply to emergency work when it is proved to the satisfaction of the board of plumbers or its authorized representative that the work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such cases, a permit shall be obtained as soon as it is practical to do so, and if there is unreasonable delay in applying for the permit, a double fee shall be charged.

For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees

for reconnection and retest of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, and the like involved.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to the connection is included in the permit.

The board of plumbers shall establish permit fees in accordance with the Montana Administrative Procedure Act and the fees shall be deposited to the earmarked revenue fund of the board of plumbers for use in the administration and enforcement of this act and the Montana state plumbing code.

(5) All plumbing and drainage systems may be inspected by the board of plumbers or their authorized representative to insure compliance with the requirements of the state plumbing code.

(6) It is the duty of the person doing work authorized by the permit to notify the board orally or in writing, that the work is ready for inspection. The notification shall be given not less than ~~twenty-four~~ (24) hours before the work is to be inspected.

It is the duty of the person doing the work authorized by the permit to ensure that the work performed before notification and after notification pending inspection

complies with the state plumbing code.

(7) Whenever any work is being done contrary to the provisions of the state plumbing code, the board or its authorized representative may, after a hearing conducted under the provisions of the Montana Administrative Procedure Act, order work stopped by notice in writing served on any person engaged in the work.

(8) The board may suspend or revoke a permit, whenever it is issued in error or on the basis of incorrect information supplied, or work performed thereunder is in violation of any of the provisions of Title 66, chapter 24, R.C.M. 1947."

~~Section 2. Effective date. This act is effective on its passage and approval.~~

-End-